United Nations A/72/558

General Assembly

Distr.: General
25 October 2017

Original: English

Seventy-second session
Agenda item 141
Human resources management

Human resources management

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the following reports of the Secretary-General:

(a) Composition of the Secretariat: staff demographics (A/72/123);

(b) Practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour, 1 July 2016 to 30 June 2017 (A/72/209);

(c) Amendments to the Staff Regulations and Rules (A/72/129/Rev.1).

2. During its consideration of the reports, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 13 October 2017.

II. Composition of the Secretariat

3. The report of the Secretary-General on staff demographics, which covers the period from 1 July to 31 December 2016, was submitted pursuant to various General Assembly resolutions concerning human resources management, the most recent of which are resolutions 66/234, 67/255, 68/252 and 71/263. The report presents a demographic analysis of the global staff of the Secretariat, which totalled 39,651 as at 31 December 2016 (A/72/123, para. 2).

4. The Secretary-General indicates that the current report covers a six-month transitional period from 1 July to 31 December 2016 because of the recent endorsement by the General Assembly of the proposal to change the reporting period to the calendar year to ensure greater analytical quality of the report (resolution 71/263, para. 3). In addition, two new tables have been included in the report to show the regional groupings of all staff of the Secretariat as at 31 December 2016 (A/72/123, para. 3).

17-18877 (E) 271017

Please recycle

5. The Secretary-General indicates that adjusting the reporting period to the calendar year will allow sufficient time for data analysis, a process which involves a number of entities within the Secretariat (ibid., para. 4).

Trend analysis

6. The Advisory Committee has stressed the need for more extensive trend analysis, including identification of the reasons for different staff demographic patterns, in particular those emerging since the issuance of the previous year's report, to help the General Assembly grasp the meaning behind the statistical data and tables (see A/67/545, para. 138, A/68/523, para. 5, A/69/572, para. 128, and A/70/764, para. 8). In paragraph 13 of its resolution 68/252, the Assembly requested the Secretary-General to supplement the information presented in the composition report with additional analysis of demographic trends and possible underlying reasons for those trends.

7. In terms of the trends that are discernible from the data contained in the latest report, the Secretary-General points out that, over a period of 3.5 years, from 30 June 2013 to 31 December 2016: (a) the number of staff of the Secretariat and related entities in the United Nations system increased by 3 per cent, from 73,812 to 76,234; (b) the number of Secretariat staff decreased by 4 per cent, from 41,273 to 39,651; (c) in the Secretariat, the proportion of Secretariat staff in the Professional and higher categories relative to total staff increased from 30 per cent to 32 per cent, while the proportion of staff in the General Service and related categories decreased from 60 per cent to 58 per cent; (d) the ratio of staff on permanent or continuing appointments relative to total staff increased from 18 per cent to 25 per cent, while the proportion of staff on fixed-term appointments decreased from 78 per cent to 67 per cent; (e) the proportion of female staff increased from 33.9 per cent to 35.1 per cent; (f) the average age of a Secretariat staff member increased from 43.4 to 44.8 years (see also paras. 11–14 below); (g) the number of Secretariat staff with geographical status increased by 3 per cent, from 2,907 to 3,005; (h) the number of Member States within the desirable range for representation in geographic posts (see also paras. 9 and 10 below) decreased by 18 per cent, from 125 to 102 (A/72/123, table 2); and (i) the average length of service within the Secretariat increased from 7.2 years in 2014 (A/69/292, table 12) to 8 years as at 31 December 2016 (A/72/123, table 13).

8. Upon request, the Advisory Committee was provided with a more detailed analysis of a number of the above-mentioned trends, including with respect to the decline in the number of Secretariat staff, the increase in the proportion of staff in the Professional and higher categories, the reduction in the proportion of staff in the General Service and related categories, improvements in gender representation and the overall ageing of Secretariat staff. **In this regard, the Committee recalls its recommendations regarding the analytical quality of the report (A/71/557, paras. 103 and 108) and notes that limited analysis was provided in the report regarding the trends. In terms of the need for understanding their underlying causes with a view to developing corrective measures and policy enhancements, the Committee notes the need for greater analysis, as appropriate. The Committee expects that the Secretary-General will provide more detailed analysis of trends, causes and the action to be taken by the Secretariat to address concerns in future reports on the composition of the Secretariat.**

Geographical representation

9. The Secretary-General indicates that the number of Member States within the desirable range decreased by 18 per cent between 2013 and 2016, from 125 to 102 (see para. 7 (h) above) and that from 1 July to 31 December 2016, 84 staff were

appointed to Secretariat posts subject to geographical distribution (A/72/123, para. 45 and table 26). The Advisory Committee notes that the largest number of appointments to posts subject to geographical distribution were of staff from overrepresented countries (31 appointments) (ibid., table 26). The Committee notes with concern that this has been an ongoing trend since 2013 and that the number of Member States in the unrepresented and underrepresented categories is increasing (ibid., table 20). The Committee was also informed that the Office of Human Resources Management was undertaking a number of steps to address this trend, including prioritizing the placement of successful candidates from unrepresented and underrepresented countries in the young professionals programme and including in all job openings for positions subject to the system of desirable ranges a special notice encouraging nationals from unrepresented and underrepresented countries to apply.

10. In this regard, the Advisory Committee recalls the statement in Article 101, paragraph 3, of the Charter of the United Nations that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible, and the system of desirable ranges, established in 1960, which measures progress towards achieving a wide equitable geographical distribution of the staff of the Secretariat (see General Assembly resolution 1559 (XV), para. 1). The Committee also recalls that the General Assembly, in its resolution 71/263 (paras. 9 and 17), called for the attainment of equitable geographical distribution in the Secretariat. **The Committee reiterates its recommendations regarding greater efforts to ensure the representation of unrepresented and underrepresented Member States in the composition of the Secretariat (see A/71/557, paras. 46 and 47) and looks forward to seeing greater progress. The Committee expects that this trend will be reversed and that information thereon will be submitted by the Secretary-General to the General Assembly at its seventy-third session.**

Ageing of staff and rejuvenation of the Secretariat

11. In terms of trends relating to the data contained in the latest report, the Secretary-General indicates that the average age of a Secretariat staff member increased from 43.4 to 44.8 years (see para. 7 (f) above) from 30 June 2013 to 31 December 2016. The Advisory Committee recalls that an initial analysis relating to this trend was included in the previous report on the composition of the Secretariat (ibid., paras. 106–108). During the consideration of the most recent report, the Committee was provided, upon request, with a further update, in the context of which it was again stressed that the major driver was the ageing of staff located in field operations.

12. In terms of the rejuvenation of the staff of the Secretariat, the Advisory Committee enquired again as to the efforts to recruit younger people and the status of P-2 posts in the Secretariat in view of the proposal for an overall reduction of six posts at the P-1/P-2 level contained in the proposed programme budget for the biennium 2018–2019.

13. In this regard, the Advisory Committee recalls its comment that the impact of the post reductions proposed for the biennium 2018–2019 falls mainly on the General Service and related categories, with a net reduction of 117 posts overall, and at the junior Professional level, with a net overall reduction of 18 posts at the P-3 level and 6 posts at the P-2/1 level (A/72/7, para. 92). The Committee also recalls its comments in successive budget proposals and reports on human resources management regarding the detrimental effect that the reduction in the number of entry-level Professional posts has on the ability of the Organization to attract and develop young talent in its rejuvenation efforts (see A/66/7, para. 86, A/68/7, paras. 86 and 87, A/69/572, para. 105, and A/71/557, para. 41).

14. **The Advisory Committee remains of the view that the continued analysis of the ageing trend combined with an analysis of other pertinent elements relating to workforce planning and rejuvenation of the Secretariat are necessary in order to inform policy developments and human resources reform initiatives. The Committee reiterates its concerns regarding the negative impact of reductions in the lower Professional-level grades on ongoing human resources management initiatives and other efforts to achieve important human resources targets, such as those pertaining to geographic and gender balance, as well as efforts to rejuvenate the workforce of the Secretariat (see A/72/7, para. 94). The Committee recommends that further analysis and recommendations relating to long-term solutions of the issue be included in the reports of the Secretary-General for the consideration of the General Assembly at its seventy-third session.**

Growth in senior-level appointments

15. The report of the Secretary-General indicates that a total of 157 staff members of the Secretariat were serving at the levels of Under-Secretary-General and Assistant Secretary-General as at 31 December 2016 (A/72/123, tables 8 and 9). This compares to 166 such staff serving at those levels as at 30 June 2015 and 155 as at 30 June 2014. Upon request, the Advisory Committee was provided with an updated list of staff members serving at the Under-Secretary-General and Assistant Secretary-General levels as at 10 October 2017, which indicated that there were 174 such staff serving in the Secretariat under all sources of funding, with an additional 25 staff serving on "when actually employed" and $1 per year contracts. The Committee was also provided with updated data, upon request, concerning the number of high-level positions at other United Nations common system entities.

16. The Advisory Committee has noted this trend in other recent reports (see A/71/557, para. 112, and A/72/7, para. 89). The Committee recalls the General Assembly resolution relating to the impact of staffing proposals on the grade structure of the Organization (resolution 70/247, para. 41) and the request of the Assembly that the Secretary-General take concrete measures to reverse the upward shift in the grade structure of the Secretariat and the relatively low number of junior-level posts (resolution 71/263, para. 33). **The Committee notes with concern that, from the latest data, it would appear that no progress has been achieved to address the concerns of the Assembly with respect to the top-heaviness of the Secretariat. In this regard, the Committee recalls its comments on the increasing number and proportion of senior posts in its report on the proposed programme budget for the biennium 2018–2019 (see A/72/7, paras. 93–95).**

17. **The Advisory Committee reiterates its previously expressed concern about the apparent upward shift in the grade structure of the Secretariat and the increasing number and proportion of posts at the level of D-1 and above (see A/68/7, para. 102, A/69/572, para. 134, A/70/7, para. 88, A/70/764, para. 10, and A/71/557, para. 113) and also reiterates that despite increasing demands on the Organization, it does not believe that this should lead to an upward trend of senior positions, as it may result in the fragmentation of leadership responsibilities and the diffusion of accountability. The Committee continues to stress the need to monitor the overall "shape" of the Organization and review existing functions and structures so as to avoid any possible duplication in the functional responsibilities at the senior level of the Organization and to ensure more effective mandate implementation.**

Employment of retired staff members

18. The report of the Secretary-General indicates that as at 31 December 2016, 201 staff were employed in the 65–69 age range, 102 in the 70–74 range and 64 in the 75 and over range (A/72/123, figure VIII). Upon enquiry, the Advisory Committee was informed that although the staff selection system prescribes specific eligibility requirements with respect to job openings for appointments of one year or longer, the employment of individuals over 65 years of age on temporary appointment is not prohibited (see ST/AI/2010/4, sect. 5.2). Furthermore, the provisions governing the employment of retirees state that temporary appointments may be granted for such individuals to meet seasonal or peak workloads and specific short-term requirements (see ST/AI/2003/8, sect. II). The Committee was also informed, upon enquiry, that of 68 temporary appointments issued to individuals over the age of 65 in 2016, 62 were issued to retirees on a temporary appointment to meet such short-term and surge needs. **The Committee requests that the Secretariat adhere strictly to the provisions of the current administrative instruction relating to the employment of retirees. The Committee intends to keep the matter of the employment of retired staff members under close review in the context of its consideration of future human resources management reports.**

Permanent and continuing appointments

19. In his report, the Secretary-General states that the proportion of staff holding permanent and continuing appointments increased from 18 per cent in 2013 to 25 per cent in December 2016, while the ratio of staff on fixed-term appointments decreased from 78 per cent to 67 per cent in the same period. The Secretary-General indicates that this was the result mainly of the one-time permanent appointment conversion exercise and two continuing appointment exercises (see A/72/123, table 2). **The Advisory Committee stresses once more the need for close monitoring of the overall ratio of permanent/continuing appointments to total staff so as to achieve the appropriate balance in the overall global workforce of the Secretariat (see also A/71/557, para. 22).**

20. With respect to the time required to fill vacant posts, the Advisory Committee recalls its report on the financial reports and audited financial statements and reports of the Board of Auditors for the period ended 31 December 2016 (see A/72/537), wherein it commented that the Board had found that the benchmark of 120 days to fill a post, mandated by the General Assembly in its resolution 65/247, had been exceeded by 36 per cent in 2015 and 68 per cent in 2016, or an average of 163 days and 202 days, respectively. During its consideration of that report, the Committee requested, but did not receive, an explanation by the Secretariat as to the sharp increase between 2015 and 2016 in the average time taken to fill a post. The Committee also recalls that in his report on management reform, the Secretary-General indicated that it took an average of 239 days to recruit staff in non-field duty stations (A/72/492, para. 23).**The Committee trusts that the Secretary-General will provide information and clarification as to the reasons for the continuous increases in the time required to fill vacant posts to the Assembly at the time of consideration of the report of the Board of Auditors.** The Committee also intends to address this matter further in its consideration of future reports on human resources management.

III. Practice of the Secretary-General in disciplinary matters and possible criminal behaviour

21. The report on the practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour, covering the period from 1 July 2016 to 30 June 2017, was submitted in response to General Assembly resolution 59/287, in which the Assembly requested the Secretary-General to inform Member States on an annual basis about all actions taken in cases of established misconduct and/or criminal behaviour and the disciplinary action and, where appropriate, any legal action taken in accordance with the established procedures and regulations. The report provides an overview of the administrative machinery in disciplinary matters; a summary of cases in which the Secretary-General imposed one or more disciplinary measures during the reporting period; comparative data on the disposition of cases, appeals of disciplinary measures and cases received by the Office of Human Resources Management; and information on the practice of the Secretary-General in cases of possible criminal behaviour.

22. The Advisory Committee has previously welcomed the provision of information contained in the case summaries as a means of providing enhanced understanding of the practice of the Secretary-General in disciplinary matters (A/67/545, para. 151). Starting at the sixty-ninth session, additional detail has been provided in the summaries so as to better explain some of the considerations in determining what measures to impose in a particular case (see A/69/572, para. 153). In its consideration of the case summaries contained in section III of the latest report of the Secretary-General, the Committee sought further information relating to certain cases. **In particular, the Committee is concerned that the information contained in the report does not provide a comprehensive overview of all cases relating to allegations of sexual exploitation and abuse within the Organization, but rather provides detail on just those cases involving civilian personnel disciplined during the reporting period. The Committee considers that the reporting on such cases lacks both the wider context and any reference, at the organizational level, to the nature of the problem, the body of cases brought to the attention of the Organization and the actions taken to address them. In this regard, the Committee is of the view that the Secretary-General should include information and applicable cross-references to other United Nations reports relating to the issue of sexual exploitation and abuse that would explain the number of cases presented in the report on the practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour.**

23. In section IV of his report, the Secretary-General includes data on the 136 cases completed during the reporting period; in comparison, 143 cases were completed during the previous period (A/72/209, table 2). The Secretary-General states that in the period ended 30 June 2017, 12 per cent of the cases handled were not pursued as disciplinary matters, while in the previous two reporting periods, the corresponding percentages were 8 and 15 per cent, respectively. The Secretary-General indicates that although a slight decrease in the number of cases completed is observed relative to the previous reporting period, the number of cases completed remains above the average number of cases completed in the past four reporting periods (ibid., para. 79). According to the Secretary-General, the increase in the number of cases pursued as disciplinary cases may be attributable to increased responsiveness of investigating entities and improved quality of investigative reports following a judgment issued by the Appeals Tribunal on a specific case concerning the need for clear and convincing evidence in such cases (ibid., para. 78).

24. The Secretary-General also states in his report that the average time taken to dispose of cases after their referral to the Office of Human Resources Management was 7.7 months (as compared with 8.6 months in the previous reporting period) (ibid., para. 77). The report also includes data on the number of appeals contesting disciplinary action imposed since 2009 and the status of those appeals before the Dispute Tribunal and the Appeals Tribunal (ibid., tables 3 and 4). In the reporting period ended 30 June 2017, the number of such appeals decreased compared with the prior period (10 as compared with 17). In percentage terms, the Secretary-General notes again that a relatively small percentage of disciplinary measures have been appealed since 1 July 2009.

25. The Secretary-General indicates in his report that a new administrative instruction on investigations and the disciplinary process remains under internal review (ibid., para.7). In the previous report, the Secretary-General stated that he anticipated that the new policy would be promulgated during the second half of 2016 (A/71/186, para. 8). In its subsequent resolution on human resources management (71/263), the General Assembly requested the Secretary-General to finalize and issue the administrative instruction no later than 31 December 2016. This ongoing delay consequently violates the Assembly's express instructions thereon, and is a matter of serious concern to the Advisory Committee, particularly in view of its repeated comments in its three prior reports on human resources matters (see A/69/572, para. 157, A/70/718, para. 15, and A/71/557, para. 123). **The Committee is extremely concerned that despite the conclusion of the lengthy period of consultations on investigations and disciplinary matters, the related administrative instruction is still under internal review. Explanations concerning the persistent delay should be provided to the Assembly at the time of its consideration of the report of the Secretary-General, including clear attribution of responsibility and accountability for the delay.**

26. **The Advisory Committee stresses that the Secretary-General must as a matter of priority ensure the prompt promulgation of the administrative instruction. The Committee recommends that the General Assembly request the Secretary-General to finalize this instruction without any further delay.**

IV. Amendments to the Staff Regulations and Rules

27. The report of the Secretary-General on amendments to the Staff Regulations and Rules contains the full text of amendments to those regulations and rules required for the implementation of the revised education grant scheme and the new mandatory age of separation for staff members appointed before 1 January 2014, approved by the General Assembly in its resolution 70/244. In addition, the report includes the full text of amendments to existing rules and the rationale for those amendments.

28. The proposed new staff rule 13.13 (c) indicates that staff regulation 9.2 is not applicable to staff members who reach their normal retirement age on or before 31 December 2017 and have received an exceptional extension of service by the Secretary-General beyond 31 December 2017. Those staff members will be required to separate upon the conclusion of their extension.

29. In this connection, the Advisory Committee was informed, upon enquiry, that the Staff Regulations enjoy a higher status than the Staff Rules and that, consequently, the Staff Rules must comply with the Staff Regulations and cannot override or change them. The Committee was also informed, however, that in the above-mentioned instance the provision contained in new staff rule 13.13 stems from the decision of the General Assembly in section I of its resolution 70/244 and

that in accordance with the hierarchy of norms governing the United Nations Secretariat, Assembly decisions enjoy a higher status than the Staff Regulations.

30. The Advisory Committee notes, therefore, that, in this case, proposed new staff rule 13.13 (c) limits the scope of staff regulation 9.2. **In the view of the Committee, the Staff Regulations should properly reflect the scope and consequences of decisions taken by the General Assembly, with the relevant details reflected in amendments to the regulations submitted for the consideration of the Assembly. In this case, the Committee trusts that a corresponding proposal to adjust staff regulation 9.2 will be provided to the Assembly at the time of its consideration of the report of the Secretary-General.**

31. The Advisory Committee received confirmation from the Secretariat, upon enquiry, that subject to any further endorsement by the General Assembly to changes in the conditions of service applicable to staff members in the Professional and higher categories, the proposed amendments constitute the final changes to the Staff Regulations and Rules with respect to the decision of the Assembly under resolution 70/244.

32. As for the amendments proposed under staff rule 10.4 (a), the Advisory Committee was informed, upon enquiry, that the revised wording in the first sentence serves to elaborate when a staff member may be placed on administrative leave, while the revision of the second sentence indicates for how long the administrative leave may continue. **The Committee is of the view that greater clarity is required in the wording of the two sentences to indicate when administrative leave may be imposed and the duration of the administrative leave, and trusts that clarification will be provided to the General Assembly at the time of its consideration of the report.**